THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.21041 OF 2003

O R D E R:

The case of the respondents 3 to 23 is that the petitioner – Municipal Corporation, has entrusted the work of sweeping and other allied works to 2nd respondent contractor and they have worked under the said contractor, covering the area from Zoopark road to Bahadurpura, Kishanbagh and Begum Bazar, during the period from 1-4-2001 to 5-11-2001, and they are entitled to the wages as per the provisions of Payment of Wages Act, 1936 at Rs.1,950/- per month, but the 2nd respondent – contractor paid only Rs.1,500/-, deducting Rs.450/-. Claiming the said difference of amount, the above said respondents filed case in P.W.20 of 2002 on the file of Authority Appointed under the Payment of Wages Act, 1936 i.e., the Assistant Commissioner of Labour, Circle III, Hyderabad.

The 2nd respondent – contractor, remained ex party, and the writ petitioner herein, who entrusted the work to the contractor, denied its liability and sought to dismiss the claim petition.

In support of the case of the applicants before the authority below, applicants got examined A.W.1 and marked Exs.A-1 to A-5. On behalf of 1st opposite party before the authority below, its Medical Officer was examined as R.W.1, and no documents were marked.

Appreciating the entire evidence, both oral and documentary, the authority below, found that the applicants were entitled to Rs.1,950/- per month for the services rendered by them as per the provisions of the Act and the A.P. Gazettee part I extraordinary No.263 dated 13.06.2002, and the opposite parties failed to show that they paid the said amount to each of the applicant, and that for the difference of amount, the applicants agitated, but they were denied the wages at the rate of Rs.1,950/- per month and that they were paid less. Further, though the applicants claimed that they worked during the festival and weekly holidays, failed

to produce any tangible evidence. Considering the material evidence on record, the authority below, allowed the claim of the applicants and directed the contractor and the principal employer to jointly and severally pay an amount of Rs.66,150/- with interest at the rate of 6 per cent on the amount allowed from the date of filing the application till payment.

Assailing the order of the authority under the Payment of Wages Act, 1936, the Municipal Corporation filed the present writ petition, disputing its liability.

A perusal of the impugned order goes to show that the authority below, appreciating the entire evidence, both oral and documentary, categorically found that the applicants worked during the relevant period under the 2nd respondent – contractor and that the petitioner – Corporation failed to supervise whether they were paid the amount as per the statutory provisions and though the applicants were agitating for the difference of wages, no action has been taken. In these circumstances, the authority below, held that the applicants were denied the wages at the rate of Rs.1,950/- for the period they worked and made both the contractor and the Municipal Corporation, jointly and severally liable to pay the amount.

Learned counsel for the petitioner – Corporation has not pointed out any contrary evidence, or any illegality or irregularity, and in the absence of the same, the impugned order cannot be interfered with and the writ petition being devoid of any merits, is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI,J

DATE:14—12—2018
gs